

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION

CARLOS GARZA, JR.,

Petitioner,

v.

WILLIAM STEPHENS, Director,  
Texas Department of Criminal Justice,  
Correctional Institutions Division,

Respondent.

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2:16-CV-00027

**ORDER OVERRULING OBJECTIONS,  
ADOPTING REPORT AND RECOMMENDATION,  
and DISMISSING CAUSE OF ACTION**

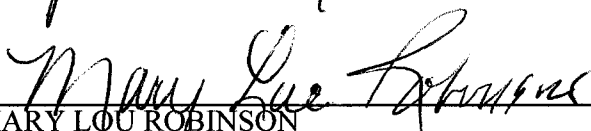
Petitioner has filed with this Court a Motion to Extend Time. On April 25, 2016, the United States Magistrate Judge issued a Report and Recommendation in this cause, recommending therein that the cause of action be dismissed as petitioner had not complied with the requirements to file a writ of habeas corpus under 28 U.S.C. § 2254.

The undersigned United States District Judge has made an independent examination of the record in this case and has considered the objections made by petitioner to the Report and Recommendation. Petitioner clarified that he was not asking for an extension of time as he asserts he has until November to timely file a writ of habeas corpus under § 2254. As detailed in the Report and Recommendation, if petitioner asserts that he has sufficient time to file a writ of habeas corpus under § 2254, then it is appropriate to dismiss this cause of action without prejudice.

The objections filed by petitioner are hereby OVERRULED and the Magistrate Judge's Report and Recommendation is ADOPTED. Accordingly, this cause of action is DISMISSED.

IT IS SO ORDERED.

ENTERED this 17<sup>th</sup> day of May 2016.

  
MARY LOU ROBINSON  
UNITED STATES DISTRICT JUDGE